REMARKS

The claims remaining in the present application are Claims 1-20. The Examiner is thanked for performing a thorough search. Claims 1, 8 and 14 have been amended. No new matter has been added. Support for the amendments can be found in the instant application, serial no. 10/685,990, among other places at Col. 11 line 23 to Col. 12 line 12, page 9 line 9, in the summary of invention. Col. 11 line 23 to Col. 12 line 8 states,

> The test master accesses a list of real test systems that are available and provides mapping of virtual systems to real systems that meet those X and Y requirements. The test master installs a test driver on each system.
>
> A test driver queries the common information point to determine what if any, tests to run. The test driver then downloads and runs the test. Test actions are typically defined by scripts. When a test driver completes a step, or a test portion, it notifies the common information point that it has completed that step. A synchronization requirement can cause a test driver to query common information point for notification that other test processes have completed particular steps.
>
> The test master monitors the progress of all tests...a step of a test can indicate that the test system needs to reinstall itself and/or reinitialize an operating system...

Page 9 line 9 states, "The test master process 'watches over' or monitors the progress of the test."

The summary of invention from line 14 to line 17 on page 4 states,

> The operating system may be changed. The common information point is queried to determine the status information and the software test is resumed. The testing may be resumed at a point immediately after a last completed test operation.

CLAIM REJECTIONS

35 U.S.C. §102

Claims 1-20

Claims 1-20 are rejected under 35 U.S.C. §102() as being anticipated by U.S. Patent No. 6,094,531 by Allison et al. (referred to hereinafter as "Allison"). Applicant respectfully submits that embodiments of the present invention are neither taught nor suggested by Allison.

Amended independent Claim 1 recites,

A computer implemented method of automatic software testing comprising:

storing status information of a software test running on a test system to a common information point, wherein said common information point is physically separate and communicatively coupled to a test master computer system for monitoring progress of said test system;

automatically reinstalling an operating system on said test system;

querying said common information point to determine said status information; and

resuming said software test after said reinstallation of said operating system.

Applicant respectfully submits that Allison does not teach or suggest, among other things, "storing status information of a software test running on a test system to a common information point, wherein said common information point is physically separate and communicatively coupled to a test master computer system for monitoring progress of said test system;... querying said common information point to determine said status information; and resuming said software test after said reinstallation of said operating system," (emphasis added) as recited by Claim 1.

According to the Federal Circuit, "[a]nticpation requires the disclosure in a single prior art reference of each claim under consideration" (W.L. Gore & Assocs. v. Garlock Inc., 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983)). However, it is not sufficient that the reference recite all the claimed elements. As stated by the Federal Circuit, the prior art reference must disclose each element of the claimed invention "arranged as in the claims" (emphasis added; Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)).

Allison teaches a method of testing software. Referring to Col. 6 line 60 to Col. 7 line 24, Allison teaches that a user requests that a test be performed. Dispatchers 17 in conjunction with launchers 18 determine which test machines are capable of performing the job by sending packets back and forth between each other. Col. 7 lines 17-18 teach that the jobs are prioritized and executed on available test machines 4. Col. 7 lines 25-37 teach that if no test machines 4 are capable of performing the job, the dispatcher will determine which test machines 4 are allowed to have operating systems installed on them. Col. 7 lines 65 to Col. 8 line 2 teach the test machine is prepared and once the test machine 4 has completed the test, the launcher 8 forwards the results of the test to the dispatcher which then notifies the user. Col. 8 lines 7-13 state that preferably communication

between the components and the users is accomplished over the Internet using TCP/IP and packets.

Since Allison teaches that communication between the components is preferably accomplished over the Internet using TCP/IP and packets, Allison teaches away from "a common information point." Further, the use of packets and TCP/IP is the only embodiment that Allison describes for communicating between his components. Therefore, Allison cannot teach or suggest, "storing status information of a software test running on a test system to a common information point, wherein said common information point is physically separate and communicatively coupled to a test master computer system," as recited by Claim 1.

The Office Action states "wherein said common information point is physically separate (fig. 2, unit 17, 1) and communicatively coupled to a test master computer system (fig. 2, unit 17, 1)" However, element 1 is the installer and element 17 is the dispatcher neither of which provide a common information point. Further as already stated, Allison teaches that communications are preferably performed over the Internet using TCP/IP and packets, which teaches away from a common information point.

Further, Allison teaches that the users evaluate the test results rather than "a test master computer system monitoring progress of said test system." For example, among other places, Allison states at Col. 8 lines 3-6 state, "The user then obtains the test results from the dispatcher 17...the user will obtain the test results from that database..." Further, the user obtaining the test results is the only embodiment Allison describes for evaluating the test results.

The Office Action states "wherein said common information point is physically separate (fig. 2, unit 17, 1) and communicatively coupled to a test master computer system (fig. 2, unit 17, 1)," which seems to imply that Allison's launcher and/or dispatcher teach Claim 1's a test master computer system. However, Allison does not teach a common information point, therefore Allison cannot teach a test master computer system that is physically separate and communicatively coupled to a common information point. Further, as already described herein no where does Allison teach that either the dispatcher or the launcher monitor "...progress of said test system."

Since Allison does not teach a common information point, Allison cannot teach or suggest "querying said common information point to determine said status information," as recited by Claim 1. The Office Action states "querying said common information point to determine said status (fig. 3, 4)." Figures 3 and 4 are entire flow charts. Figure 3 includes 12 steps and Figure 4 includes 14 steps, however, none of these steps teach a common information point or querying a common information point.

Alllison teaches the possibility of installing an operating system to prepare for testing software, executing the software to completion and then installing another operating system to prepare for a different test. However, no where does Allison teach "a software test running on a test system... automatically reinstalling an operating system on said test system... resuming said software test after said reinstallation of said operating system," (emphasis added) as recited by Claim 1. Note that Claim 1 recites resuming the same software test after installing an operating system rather than starting a different test.

Therefore, independent Claim 1 should be patentable over Allison. For similar reasons, independent Claims 8 and 14 should be patentable over Allison. Claims 2-7 depend on Claim 1. Claims 9-13 depend on Claim 8. Claims 15-20 depend on Claim 14. Therefore, these dependent Claims should be patentable for at least the reasons that their respective independent Claims should be patentable.

These dependent claims recite additional limitations which further make them patentable. For example, Claims 5, 6, 18, and 19 refer to test portion(s). No where does Allison teach test portion(s) as recited by Claims 5, 6, 18 and 19. For Claim 5, the Office Action states, "Allison further describes identification of test completed (fig. 3, unit 36-39)." First this is a misquotation of Claim 5. Claim 5 recites "wherein said status information comprises an identification test portions completed." Second, steps 38-39 describe using packets "submit-job" packet and ACKS to schedule a job. Steps 38-39 say nothing about test portions. For Claim 6, the Office Action states, "Allison further describes resuming restarts points to last portion completed." Again this is a misquotation of a claim. Claim 6 recites "wherein said resuming restarts said software test at point subsequent to a last test portion completed." Steps 48-51 pertain to finding a test machine that is available

and adding it to a list if its characteristics are suitable. Steps 48-51 say nothing about "a last test portion." Similarly, the Office Action misquotes Claims 18 and 19. Further, the portions of Allison cited against Claims 18 and 19 do not teach the embodiments recited by Claims 18 and 19.

In yet another example, the Office Action asserts that Allison teaches "a network file system mount point" as recited by Claim 12 at "fig. 2 unit 17, 1, using network such as internet". As already described herein, Allison teaches communication between his components using packets and TCP/IP over the Internet, which teaches away from "a network file system mount point."

The Office Action misquoted numerous claims. There are too many misquotations of claims for Applicant to list. Applicant respectfully requests that the Claims be quoted accurately in the future Office Actions. Further, there are many other differences between various embodiments recited by the Claims and the cited reference, which are too numerous for Applicant to list and discuss.

CONCLUSION

In light of the above listed amendments and remarks, reconsideration of the rejected claims is requested. Based on the arguments and amendments presented above, it is respectfully submitted that Claims 1-20 overcome the rejections of record. For reasons discussed herein, Applicant respectfully requests that Claims 1-20 be considered be the Examiner. Therefore, allowance of Claims 1-20 is respectfully solicited.

Should the Examiner have a question regarding the instant amendment and response, the Applicant invites the Examiner to contact the Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,
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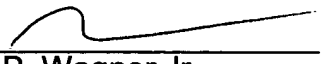
Dated: 3/7, 2007



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